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MASSACHUSETTS GENERAL LAWS

Mandating that Certain Health Benefits Be Provided By Commercial Insurers, Blue Cross and Blue Shield and Health Maintenance Organizations

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*Listings are for informational purposes only.
Please refer to the appropriate sections of the law for specific
mandated benefit provisions.*

MASSACHUSETTS GENERAL LAWS
Mandating that Certain Health Benefits Be Provided By
Commercial Insurers, Blue Cross and Blue Shield and
Health Maintenance Organizations

I. Services and supplies

REGULATORY CITATIONS

	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>¹
Alcoholism rehabilitation	c. 175 § 110(H)	c. 176A § 10; c. 176B § 4A½	c. 176G § 4
Bone marrow transplants for treatment of breast cancer	c. 175 § 47R (105 CMR 240.00)	c. 176A § 8O; c. 176B § 4O (105 CMR 240.00)	c. 176G § 4F (105 CMR 240.00)
Cardiac rehabilitation	c. 175 § 47D (105 CMR 143.00)	c. 176A § 8G; c. 176B § 4F (105 CMR 143.00)	c. 176G § 4 (105 CMR 143.00)
Chiropractic services	n/a, but see p. 3 on “nondiscrimination”	c. 176B § 4L	n/a
Clinical trials (to treat cancer)	c. 175 § 110L <i>See also Bulletin 02-13</i>	c. 176A § 8X; c. 176B § 4X <i>See also Bulletin 02-13</i>	c. 176G § 4P <i>See also Bulletin 02-13</i>
Contraceptive services	c. 175 § 47W <i>See also Bulletin 02-09</i>	c. 176A § 8W; c. 176B § 4W <i>See also Bulletin 02-09</i>	c. 176G § 4O <i>See also Bulletin 02-09</i>
Cytologic screening (Pap smear)	c. 175 §§ 47G and 110(L)	c. 176A § 8J	c. 176G § 4
Diabetes-related services and supplies	c. 175 § 47N <i>See also Bulletin 00-05</i>	c. 176A § 8P; c. 176B § 4S <i>See also Bulletin 00-05</i>	c. 176G § 4H <i>See also Bulletin 00-05</i>
Early Intervention services	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Hearing screening for newborns	c. 175 § 47C (c. 111 § 67F)	c. 176A § 8B; c. 176B § 4C (c. 111 § 67F)	c. 176G § 4K (c. 111 § 67F)
Home health care	c. 175 § 110(K)	c. 176A § 8I	c. 176G § 4C
Hormone Replacement Therapy (HRT)	c. 175 § 47W <i>See also Bulletin 02-09</i>	c. 176A § 8W; c. 176B § 4W <i>See also Bulletin 02-09</i>	c. 176G § 4O <i>See also Bulletin 02-09</i>

¹ In many cases, c.176G refers the reader to the citation listed in the commercial insurer column.

I. Services and supplies (continued)**REGULATORY CITATIONS**

	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Hospice care	c. 175 § 47S (105 CMR 141.00)	c. 176A § 8R; c. 176B § 4Q (105 CMR 141.00)	c. 176G § 4L (105 CMR 141.00)
Human leukocyte antigen testing	c. 175 § 47V	c. 176A § 8V; c. 176B § 4V	c. 176G § 4N
Hypodermic syringes or needles	c. 175 § 47Y	c. 176A § 8Z; c. 176B § 4Z	c. 176G § 4R
Infertility treatment <i>(does not apply to a diocese)</i> <i>See St. 1987, c. 394, § 5 and</i> <i>St. 1993, c. 110, § 248</i>	c. 175 § 47H (211 CMR 37.00)	c. 176A § 8K; c. 176B § 4J (211 CMR 37.00)	c. 176G § 4 (211 CMR 37.00)
Lead poisoning screening	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Low protein food products for inherited amino acid and organic acid diseases (PKU)	c. 175 § 47I	c. 176A § 8L; c. 176B § 4K	c. 176G § 4D
Mammography	c. 175 §§ 47G and 110(L)	c. 176A § 8J	c. 176G § 4
Maternity health care (including minimum maternity stay)	c. 175 § 47F (105 CMR 130.660)	c. 176A § 8H; c. 176B § 4H (105 CMR 130.660)	c. 176G §§ 4, 4I (105 CMR 130.660)
Mental health care ²	c. 175 § 47B	c. 176A § 8A; c. 176B § 4A	c. 176G § 4M
Nonprescription enteral formulas	c. 175 § 47I	c. 176A § 8L; c. 176B § 4K	c. 176G § 4D
Preventive care for children up to age six (including specific newborn testing)	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Prosthetic Devices	c. 175 § 47Z	c. 176A § 8AA; c. 176B § 4AA	c. 176G § 4S

² Mental health parity for certain biologically-based mental disorders is required for policies issued or renewed on or after January 1, 2001; for small group plans subject to c. 176J and nongroup health plans subject to c. 176M, it applies to policies issued or renewed on or after January 1, 2002. The change will also remove the current requirement that an insurer cannot require consent to more than name, diagnosis and date and type of service for mandated outpatient benefits. Please refer to Bulletin No. 00-06 for details.

Off-label uses of prescription drugs to treat cancer	c. 175 §§ 47K, 47L	c. 176A § 8N; c. 176B § 4N	c. 176G § 4E
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I. Services and supplies (continued)

REGULATORY CITATIONS

	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Off-label uses of prescription drugs to treat HIV/AIDS	c. 175 §§ 47O, 47P	c. 176A § 8Q; c. 176B § 4P	c. 176G § 4G
Scalp hair prostheses for cancer patients	c. 175 § 47T	c. 176A § 8T; c. 176B § 4R	c. 176G § 4J
Speech, hearing and language disorders	c. 175 § 47X	c. 176A § 8Y; c. 176B § 4Y	c. 176G § 4N

II. Providers

REGULATORY CITATIONS

(1) <u>Mandated coverage</u>	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Certified nurse midwives	c. 175 § 47E	c. 176B § 4G	n/a
Certified registered nurse anesthetists	c. 175 § 47Q	c. 176A § 8S; c. 176B § 4T	c. 176G § 4
Nurse practitioners	c. 175 § 47Q	c. 176A § 8S; c. 176B § 4T	c. 176G § 4
Mental health providers: Licensed psychiatrists, psychologists, independent clinical social workers, mental health counselors, and nurse mental health clinical specialists.	c. 175 § 47B	c. 176A § 8A; c. 176B § 4A	c. 176G § 4M
(2) <u>Nondiscrimination</u> (re: providers)			
Chiropractors	c. 175 § 108D	c. 176B § 7 see also “chiropractic services” - p. 1	n/a
Dentists	c. 175 § 108B	c. 176B § 4	n/a
Nurse midwives	see “certified nurse midwives” above	c. 176B § 7 see also “certified nurse midwives” above	see “certified nurse midwives” above
Optometrists	c. 175 § 108(8)(D) c. 175 § 110(F)	c. 176B § 4	n/a
Podiatrists	c. 175 § 110(I)	c. 176B § 4	c. 176G § 1 (See “nondiscriminatory”)
(3) <u>Contracting</u>			
Good faith communication (a.k.a. “gag rule” prohibition) <i>See also c. 176I §2 for preferred provider arrangements</i>	c. 175 § 108(11) c. 175 § 110(M)	c. 176B § 7	c. 176G § 6
Pharmacy freedom of choice: any willing provider	c. 176D § 3B (211 CMR 44.00)	c. 176D § 3B (211 CMR 44.00)	c. 176D § 3B (211 CMR 44.00)
Provider protection re: 48/96-hour maternity stay	St. 1995, c. 218 § 9	St. 1995, c. 218 § 9	St. 1995, c. 218 § 9

II. Providers (cont.)

REGULATORY CITATIONS

(3) <u>Contracting (cont.)</u>	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Prompt payment of claims <i>See also c. 176I § 2 for insured preferred provider plans</i>	<i>See page 6 under “other”</i>	c. 176B § 7 <i>See also page 6 under “other”</i>	c. 176G § 6

III. Eligibility

(1) Dependents

Dependent coverage: newborn infants children of dependents adopted children <i>See also “Disabled Adult Children” under Section V</i>	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Eligibility as a Dependent	c. 175 § 108.2.(a)(3) c. 175 § 110(P)	c. 176A § 8Z; c. 176B § 4Z	c. 176G § 4R

(2) Nondiscrimination (*re: insureds*)

Blind or deaf persons	c. 175 § 108A	c. 176A § 8C; c. 176B § 4D	n/a
Diethylstilbestrol exposure	c. 175 § 108C	c. 176A § 8E; c. 176B § 4E	n/a
Victims of domestic abuse	c. 175 § 108G	c. 176A § 3A; c. 176B § 5A	c. 176G § 19
Genetic testing/genetic information: use prohibited in health insurance <i>See also c. 176I §4A for insured preferred provider plans</i>	c. 175 § 108H	c. 176A § 3B; c. 176B § 5B	c. 176G § 24
Genetic testing/genetic information: limits on use for long-term care and disability income insurance	c. 175 § 108I	n/a	n/a

IV. Confidentiality

Confidentiality of mental
health information³

*See also “Mental health care” on
page 2, including footnote*

c. 175 § 108E

c. 176A § 8A½; c. 176B § 4B
c. 176A § 14B; c. 176B § 20

c. 176G §§ 4B, 4M

Insurance information and
privacy protection

c. 175I

c. 175I

c. 175I

³ Chapter 80 of the Acts of 2000 repeals c. 176A § 8A½ and c. 176B § 4B and amends c. 175 §108E and c. 176G § 4B for all health plans issued or renewed on or after January 1, 2001, except those subject to c. 176J and c. 176M, for which the change applies to policies issued or renewed on or after January 1, 2002. See Bulletin 00-06 for details.

V. State-mandated
Continuation of Health Coverage

REGULATORY CITATIONS

Continuation of Coverage:	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
(1) <u>Following Divorce or Separation</u>	c. 175 § 110I	c. 176A § 8F; c. 176B § 6B	c. 176G § 5A
(2) <u>Following Separation from Employment</u>			
Employee after termination due to plant closing or partial closing	c. 175 § 110D c. 175 § 110G	c. 176A § 8D; c. 176B § 6A	c. 176G § 4A
Group member after leaving insured group	c. 175 § 110D c. 175 § 110G	c. 176A § 8D; c. 176B § 6A	n/a
(3) <u>For small employer group (with 2-19 employees): Continuation of coverage provisions similar to COBRA</u>	c. 176J § 9	c. 176J § 9	c. 176J § 9
(4) <u>Disabled adult children</u>	c. 175 § 108 2(a)(3)	c. 176A § 8(d); c. 176B § 6(c)	n/a
<u>VI. Other</u>			
Alternative dental coverage option	c. 175 § 110K	n/a	c. 176G § 11A
Coordination of benefits	211 CMR 38.00	211 CMR 38.00	211 CMR 38.00
Emergency services provided to insureds for emergency medical conditions <i>See also Bulletin 2000-14 and M.G.L. c. 176I §§ 1 and 3(b) for insured preferred provider plans</i>	M.G.L. c. 175 § 47U	M.G.L. c. 176A § 8U and M.G.L. c. 176B § 4U	M.G.L. c. 176G § 5
Prompt payment of claims <i>See also c. 176I § 2 for insured preferred provider plans</i>	c. 175 §§ 108 and 110	c. 176A § 8 <i>See also page 4: “provider contracting”</i>	<i>See page 4: “provider contracting”</i>